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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,657	04/18/2005	Karina Drumm	129402.00201	9864
75	90 02/17/2006		EXAMINER	
Raymond A Miller			WOLLENBERGER, LOUIS V	
Firm 21269 One Mellon Center			ART UNIT	PAPER NUMBER
50th Floor 500 Grant Street			1635	
Pittsburgh, PA 15219			DATE MAILED: 02/17/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	<del></del>	
	Application No.	Applicant(s)
	10/511,657	DRUMM ET AL.
Office Action Summary	Examiner	Art Unit
	Louis V. Wollenberger	1635
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1)⊠ Responsive to communication(s) filed on <u>18 C</u> 2a)⊠ This action is <b>FINAL</b> . 2b)□ This     3)□ Since this application is in condition for alloward closed in accordance with the practice under B	s action is non-final. ince except for formal matters, pro	
Disposition of Claims		
<ul> <li>4)  Claim(s) 1-91 is/are pending in the application 4a) Of the above claim(s) is/are withdra</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) 1-91 are subject to restriction and/or</li> </ul>	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 11.	cepted or b) objected to by the drawing(s) be held in abeyance. Se tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicat prity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of References Cited (PTO-892)	4)	
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ul>		ate Patent Application (PTO-152)

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 and 3, drawn to a method for the treatment of a disorder of the central nervous system and/or the eye, comprising the use of a compound capable of modulating a target gene or gene product.

Group II, claim(s) 2 and 3, drawn to the use of a compound capable of modulating a target gene or gene product for the preparation of a pharmaceutical composition.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of Groups I and II is a compound capable of modulating a target gene or gene product. However, this cannot be the special technical feature because the element is shown in the prior art. Elbashir et al. (2001) *Nature* 411:494–498 teach an siRNA duplex that suppresses the expression of *Photinus pyralis* luciferase in several different mammalian cell lines (Figs. 1 and 2, page 495), and an siRNA duplex that suppesses lamin A/C in cultured HeLa cells (Fig. 4, page 497).

Thus, unity of invention is lacking.

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Claims 4–91 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, these claims have not been included in either of the groups above.

## Conclusion

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis V. Wollenberger whose telephone number is 571-272-8144. The examiner can normally be reached on Mon–Fri, 8:00 am–4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval system (PAIR). Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system

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provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For more information about the PAIR system, see http://pair-direct.uspto.gov.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Louis V. Wollenberger, Ph.D. Examiner Art Unit 1635 Feb. 3, 2006 Page 4

SEAN MCGARRY
PRIMARY EXAMINER

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